

REMARKS

Reconsideration and allowance of the present application are respectfully requested.

Claims 1-11 are pending in this application. Claims 4-7 have been amended and claims 8-11 added. Claims 1-3 are allowed. No new matter has been added.

In response to the rejection of claim 4 under 35 USC 112, second paragraph, the applicants have amended claim 4 to employ the word “obtained” which is the word used in the accepted claims 5-7.

In view of the above, the applicants submit that all presently considered claims are fully allowable under 35 USC 112, second paragraph.

In response to the objection to claim 4 under 37 CFR 1.75(c) as being a multiple dependent claim, the applicants respectfully point out that claim 4 was amended to single dependent form in the Preliminary Amendment dated December 12, 2003. Thus, the applicants submit that claim 4 is proper and this objection should be withdrawn.

The applicants respectfully traverse the rejection of claims 4-7 under 35 USC 102(b) in view of the cited reference, EP ‘288.

This reference does not anticipate the presently claimed invention or make it obvious.

The presently claimed invention is directed to a method, and related products, for producing a colorant excellent in color development by making the most of the inherent absorption spectrum of a coloring matter substance constituting the colorant

The Office Action notes that claims 4-7 are product by process claims and further requires that applicants show patentably distinct properties of the recited

product.

Accordingly, claims 4-7 have been amended to recite patentably distinct properties that distinguish over the teachings of EP '288. Claims 8-11 have been added to recite further patentably distinct properties of the claimed invention.

Amended claim 4 is supported in the present specification including at page 20, lines 16-24. Amended claim 5 is supported in the present specification including at page 9, lines 5-11. Amended claim 6 is supported in the present specification including at page 9, lines 12-18. Amended claim 7 is supported in the present specification including by the data in the table on page 55. New claim 8 is supported in the present specification including at page 20, lines 16-24. New claim 9 is supported in the present specification including at page 20, lines 8-12. New claim 10 is supported in the present specification including by the data in Table 5 on page 49. New claim 11 is supported in the present specification including by the data in the table on page 55. No new matter has been added. The recited properties result from acknowledged patentably distinct processes (allowed claims 1-3) and the properties can not be asserted as being inherent to the products of EP '288. The recited properties distinguish the claims over the teachings of EP '288.

Accordingly, the applicants submit that the present invention is not only allowable under Section 102(b) in view of the cited reference, but is also allowable under Section 103(a) in view of the cited reference.

In view of the above, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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